

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:08-CV-137-D

MEIR HAR-TZION,

Plaintiff,

v.

WAVES SURF & SPORT, INC.,

Defendant.

VERDICT FORM

We the jury unanimously find the following:

1. Do you find from a preponderance of the evidence that Mr. Har-Tzion worked in excess of 40 hours during any workweek during his employment?

YES: X

NO:

IF YOU ANSWERED "NO" TO QUESTION 1, THEN THE CASE IS OVER, AND YOU SHOULD NOTIFY THE BAILIFF THAT YOU HAVE REACHED A VERDICT.

IF, AND ONLY IF, YOU ANSWER "YES" TO QUESTION 1, THEN PROCEED TO ANSWER QUESTION 2.

2. Do you find from clear and convincing evidence that defendant Waves Surf & Sport, Inc. ("Waves") properly classified plaintiff Meir Har-Tzion under the "executive exemption" of the Fair Labor Standards Act, and, therefore, was exempt from receiving overtime pay under the FLSA executive exemption?

YES: ____

NO: X

IF YOU ANSWERED "YES" TO QUESTION 2, THEN THE CASE IS OVER, AND YOU SHOULD NOTIFY THE BAILIFF THAT YOU HAVE REACHED A VERDICT.

IF, AND ONLY IF, YOU ANSWER "NO" TO QUESTION 2, THEN PROCEED TO ANSWER QUESTION 3.

3. Do you find from a preponderance of the evidence that Mr. Har-Tzion and Waves had a mutual agreement that his bi-weekly salary was compensation for all hours worked each workweek?

YES: ____

NO: X

4. Please determine, by a preponderance of the evidence, the number of hours that Mr. Har-Tzion worked each workweek for the following workweeks in 2006.

Hours worked:

April 1-7 50

April 8-14 50

April 15-21 50

April 22-28 50

April 29–May 5 65
May 6–May 12 65
May 13–May 19 65
May 20–May 26 65
May 27–June 2 100
June 3–June 9 100
June 10–June 16 100
June 17–June 23 100
June 24–June 30 100
July 1–July 7 100
July 8–July 14 100
July 15–July 21 100
July 22–July 28 100
July 29–August 4 100
August 5–August 11 100
August 12–August 18 65
August 19–August 25 65
August 26–September 1 65
September 2–September 8 65
September 9–September 15 65
September 16–September 22 65

We the jury unanimously so find. So say we all.

This the 28 day of February 2011.